

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA  
v.  
RAFAEL RODRIGUEZ,  
Defendant

2004 JUN 24 A 9:43  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
CRIMINAL No. 04-10132-WGY

Joint Statement Pursuant to Local Rule 116.5(A)

The parties submit the following pursuant to Local Rule 116.5(A), in anticipation of the status conference scheduled for June 30, 2004:

(1) The parties anticipate that they may need relief under the timing requirements of L.R. 116.3.

(2) The defendant requests discovery pertaining to expert witnesses pursuant to F.R.Cr.P. 16(a)(1)(G). The parties request that the deadlines for making the requisite expert witness disclosures thirty be set as: the United States must provide such discovery (30) days prior to trial and the defendant must provide reciprocal disclosures fourteen (14) days prior to trial.

(3) The parties anticipate providing additional discovery in accordance with item (2) above.

(4) The United States has provided automatic discovery, but defense counsel has not yet had time to review and discuss that discovery with the defendant. Accordingly, the defense has not yet made a determination regarding dispositive motions.

(5) The parties request that the time period from May 14 through June 11, 2004 be excluded from calculation under the Speedy Trial Act due to the automatic discovery. The parties further request that the time period from June 12, 2004 through the date of the next status conference be excluded in the interests of justice, due to ongoing discovery and the need for determinations regarding a possible plea and dispositive motions.

(6) At this time, due to ongoing discovery, the parties have not yet reached a conclusion regarding the need for a trial in this case. If a trial were to occur, the parties anticipate that it would take approximately five (5) days.

(7) Based on the need to review discovery and the defense counsel's unavailability in July, 2004, The parties propose that an Interim Status Conference be scheduled to be held either during the week of August 16, 2004 or in September, 2004.

Respectfully submitted,

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By His Attorney

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June 24, 2004